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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Repertory of Practice of United Nations Organs and the *Repertoire of the Practice of the Security Council*

Report of the Secretary-General

Summary

In conformity with General Assembly resolution 60/23 of 23 November 2005, the present report outlines the progress made by the Secretariat in 2006 in updating the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The Assembly is invited, in paragraphs 13 and 24 of the present report, to take action in the light of the conclusions drawn in sections II.F and III.E of the present report.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 60/23 of 23 November 2005. In paragraph 9 of the resolution, the Assembly took note of the progress made in the preparation of studies of the *Repertory of Practice of United Nations Organs* and their posting on the Internet in three languages, as well as the progress made in updating the *Repertoire of the Practice of the Security Council* and posting advance versions of individual chapters on the Internet. In paragraph 10, the Assembly welcomed the establishment of a trust fund to eliminate the backlog of the *Repertory*, and encouraged States to make voluntary contributions to the trust fund and to bring the question of funding for the *Repertory* to the attention of private institutions and individuals that may wish to assist in that regard, as well as to consider the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in the preparation of the studies. In paragraphs 11 and 12, the Assembly encouraged enhanced cooperation with academic institutions and the use of the internship programme for the preparation of studies, and requested the Secretary-General to continue his efforts, within the level of the currently approved budget, towards making all versions of the *Repertory* available electronically as early as possible. In paragraphs 13 and 14 of the resolution, the Assembly endorsed the efforts of the Secretary-General to eliminate the backlog in the publication of the *Repertoire* and encouraged contributions to the trust fund for the updating of the *Repertoire*. In paragraph 15, the Assembly requested the Secretary-General to submit a report on both the *Repertory* and the *Repertoire* to the Assembly at its sixty-first session.

II. *Repertory of Practice of United Nations Organs*

A. Preparation of Supplements to the *Repertory of Practice of United Nations Organs*

2. In 2006, Volume I of Supplement No. 6 (1989-1994) was brought to completion. It is available on the Internet and has been submitted for publication and translation. Volume I of Supplement No. 7 (1995-1999) is near completion and nine other volumes are in different stages of preparation. No progress has been made on the three volumes designated as volume III of Supplements Nos. 7, 8 and 9 (1985-1999). Volume III of Supplement No. 5 (1979-1984) and volume VI of Supplement No. 7 (1985-1999), which have been available on the Internet for some time, have been issued in hard copy in the French language.

3. In addition, the Secretariat continued to make available on the website of the *Repertory* (www.un.org/law/repertory) advance versions of several studies on individual Articles of the Charter of the United Nations which have been finalized and are awaiting completion of the respective volumes. These studies pertain to Articles 1 (1)-(3), 2 (1)-(6), 7 and 8 of volume I, Supplement No. 9; Article 18 of volume II, Supplements Nos. 7, 8 and 9; and Articles 75, 77-80, 82, 84, 85, 87 and 91 of volume V, Supplements Nos. 8 and 9. Various other studies on individual Articles under those volumes, as well as under volumes IV and VI, Supplements Nos. 8 and 9, are currently in preparation or under review.

4. Annex I sets out the responsibilities of individual Secretariat units for the preparation of *Repertory* studies on individual provisions of the Charter. Annex II sets out the responsibilities of individual Secretariat units for the coordination of the preparation of *Repertory* volumes.

5. In 2006, several departments made use of both interns and externs to do research and collect material for the preparation of studies.

B. Availability of *Repertory* studies on the Internet

6. Currently, studies from 11 complete volumes, including the five volumes in processing for publication, as well as studies on individual Articles of the Charter from 10 volumes not yet complete, are accessible to users of the United Nations website for the *Repertory*. The electronic version of the *Repertory* has proven to be a useful tool for providing greater access to the studies while their publication in hard copy is in process.

7. At present, all studies available in English are on the Internet, with a number of them also available in French and Spanish. Consistent with the General Assembly's request that all versions of the *Repertory* be made available electronically as soon as possible, a number of studies in French corresponding to volumes I, II and III have been placed on the Internet since the beginning of the year. The Secretariat will continue to make available electronically all three language versions of finalized *Repertory* studies as early as possible. However, the progress in placing further language versions, namely French and Spanish, on the Internet depends on the availability of hard copies.

C. Publication of volumes in language versions

8. Volume II of Supplement No. 6 in Spanish and volume IV of Supplement No. 6 in French were published during the first half of 2006. The French version of volume II of Supplement No. 6, the Spanish version of volume III of Supplement No. 6, and the French and the Spanish versions of volumes V and VI of Supplement No. 7 are expected to be issued by the end of 2006.

D. Resources

9. In resolution 60/23, the General Assembly welcomed the establishment of a trust fund to eliminate the backlog of the *Repertory*, which it had requested by its resolution 59/44 of 2 December 2004. On 3 February 2006, a note verbale was sent to all Permanent Missions to the United Nations reminding them of the possibility to make voluntary contributions to the trust fund and requesting them to bring the question of funding for the *Repertory* to the attention of private institutions and individuals who might be able to assist in that regard. No funds have been received so far for the trust fund.

10. In paragraph 60 of its 2006 report,[1] the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 33* (A/61/33).

recommended, inter alia, with respect to the *Repertory*, that the General Assembly commend the Secretary-General for the progress made in the preparation of studies of the *Repertory*, including the increased use of the internship programme of the United Nations and the wider cooperation with academic institutions for that purpose; reiterate its call for voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* and the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in updating the publication; call upon the Secretary-General to continue his efforts towards updating the publication; and recognize the desirability of making the *Repertory* available electronically in all its language versions.

E. Interdepartmental Committee on Charter Repertory

11. The Interdepartmental Committee on Charter Repertory decided to reassign certain volumes of Articles between the different departments in order to enhance efficiency in their preparation. The responsibility for coordinating the preparation of volume II was transferred from the Department for General Assembly and Conference Management to the Office of Legal Affairs. It was further decided that the Office of Legal Affairs would bear responsibility for the preparation of studies relating to Articles 18, 19 and 22 (see annexes I and II to the present report).

12. Furthermore, in keeping with the request of the General Assembly, the Committee discussed the possibility of enhanced cooperation with academic institutions and use of the internship programme to carry out research for the preparation of studies on certain Articles. Several departments expressed their support for such measures and announced that they were already using interns more extensively. It was agreed that the various departments would review the Articles under their responsibility and identify those that were suitable for research by interns and academic institutions. It was also decided that the final review of the studies would remain with the respective substantive departments. Subsequently, in addition to the institutions already involved, various other institutions have been contacted to enquire about their interest in undertaking research for the preparation of studies on certain Articles pertaining to volumes II, IV and V. Several of them have expressed an interest in participating in such a project and the first steps of this cooperation have already been taken through meetings with teams established by all interested institutions.

F. Conclusions

13. **With respect to the *Repertory*, in the light of the above, the General Assembly may wish:**

(a) **To note the current status of the publication, including the progress made in the preparation of *Repertory* studies and in their posting on the Internet in three languages (English, French and Spanish);**

(b) **To consider the recommendation of the Special Committee (see para. 10 above) concerning wider cooperation with academic institutions and the increased use of the internship programme for the preparation of studies; voluntary contributions to the trust fund; the sponsoring, on a voluntary basis, and with no cost to the United Nations, of associate experts to assist in updating**

the publication; the call upon the Secretary-General to continue his efforts towards updating the publication; and the desirability of making the *Repertory* available electronically in all its language versions.

III. *Repertoire of the Practice of the Security Council*

A. Mandate and preparation

14. Originally mandated by the General Assembly in 1952 (resolution 686 (VII) of 5 December 1952), the *Repertoire of the Practice of the Security Council* continues to provide a record of the evolving practice and procedure of the Security Council under the Charter of the United Nations and the Council's provisional rules of procedure. Within the limits of the resources available to it, the Secretariat is directing its efforts at producing the *Repertoire* in the most expeditious manner consistent with accuracy and balance, taking advantage of growing technological possibilities.

15. The Secretariat has continued to implement the "two-track" approach, most recently endorsed by the General Assembly in resolution 60/23. This approach has enabled the Secretariat to focus on the Security Council's contemporary practice, in which Member States have expressed the most interest, while concurrently ensuring progress in coverage of the Council's earlier practice.

16. With regard to the Council's past practice, publication of the eleventh Supplement to the *Repertoire*, covering the period from 1989 to 1992, is scheduled for the end of this year. The twelfth Supplement, covering the period from 1993 to 1995, is expected to be published in early 2007. Work on the thirteenth Supplement, covering the remaining four-year period at the end of the decade (1996-1999), is under way.

17. As for the coverage of the Council's contemporary practice, work on the Millennium volume (fourteenth Supplement), covering the period from 2000 to 2003, is proceeding apace. The chapters of this volume dealing with the procedural aspects of the Council's practice are expected to be posted in an advance version by the end of 2006.

18. As part of its efforts to expedite Member States' access to material on the Council's contemporary practice, and to bring the publication of the *Repertoire* up to date, the Secretariat has initiated work on the fifteenth Supplement. It is intended that this Supplement will cover a two-year period (2004-2005). While recent Supplements have generally covered three to four years of the Council's practice, it may be recalled that the fourth Supplement (1964-1965) similarly covered a period of two years. It is believed that, given the increase in recent years in the work of the Security Council and its decision-making, the turnaround would be more rapid if the period of coverage were reduced to two years. The completion of these Supplements will depend, however, on the availability of resources, which is considered further below.

19. The two-track approach has included streamlining the presentation and format of the *Repertoire* while retaining the important substantive elements of the traditional publication. Most chapters of the eleventh Supplement and all chapters of subsequent volumes have followed the streamlined approach. It is expected that the

finalization of internal research and drafting guidelines on individual chapters currently under way will ensure strategic coherence and a consistent approach to the preparation of a streamlined *Repertoire* and further assist in its timely production.

B. Availability of *Repertoire* chapters on the Internet

20. The published volumes of the *Repertoire* are available on the United Nations website (www.un.org/depts/dpa/repertoire), with the most recently published Supplement (covering the period from 1985 to 1988) now available in all six official languages. In addition, to allow access to current information without the lengthy delays involved in preparation for external publication, the Secretariat continues to post finalized chapters of the *Repertoire* in an advance version as early as possible. Individual chapters of the eleventh, twelfth and fourteenth Supplements are now accessible in electronic format (see annex III to the present report).

21. As requested by Member States, the Secretariat has upgraded the website to enhance the search capabilities. It is exploring the possibility of making all six language versions of finalized *Repertoire* chapters available electronically as early as possible.

C. Publication of volumes in language versions

22. As mandated, the Secretariat continues to submit completed and edited volumes of the *Repertoire* for translation and publication into all official languages. This, however, can be a lengthy and costly process. The Secretariat appreciates the willingness expressed by some Member States to contribute towards the translation of future supplements to the *Repertoire* into all official languages.

D. Resources

23. The preparation and production of the *Repertoire* would not have been possible without the continued support of the General Assembly. Voluntary contributions to the trust fund for the updating of the *Repertoire* remain, however, an important element for sustaining progress in a situation of financial constraint. Since the last report (A/60/124), in response to an appeal letter dated 28 November 2005 sent to Member States on behalf of the Secretary-General, contributions to the trust fund have been received from Japan, Nigeria, Qatar, the Republic of Korea, the Russian Federation, Turkey and the United Kingdom of Great Britain and Northern Ireland. In addition, Germany and Italy have contributed by sponsoring two associate expert positions in the relevant branch of the Secretariat. The infusion of these resources has enabled the Secretariat to achieve concrete progress in bringing the *Repertoire* much closer to the goal of being up to date. The challenge, however, remains to be fully met. Member States are therefore encouraged to continue supporting the *Repertoire* in concrete ways.

E. Conclusions

24. **With respect to the *Repertoire* of the Practice of the Security Council, in the light of the above, the General Assembly may wish to:**

(a) **Note the progress made towards the updating of the *Repertoire*;**

(b) **Note the desirability of continuing to make the *Repertoire* available electronically on the Internet;**

(c) **Reiterate its call for voluntary contributions to the trust fund for the updating of the *Repertoire*, and note with appreciation the contributions made by the Governments of Japan, Nigeria, Qatar, the Republic of Korea, the Russian Federation, Turkey and the United Kingdom during the past year;**

(d) **Note with appreciation the support which Germany and Italy have extended by sponsoring, on a voluntary basis, associate experts to assist in the updating of the *Repertoire*, and encourage other Member States in a position to do so to consider providing such assistance.**

Annex I

Secretariat units bearing primary responsibility for the preparation of *Repertory* studies on individual provisions of the Charter of the United Nations*

Department	*Repertory volume*
Office of Legal Affairs	Volume I: Articles 1 to 7
	Volume II: Articles 13 (1) (a), 18, 19 and 22
	Volume VI: Articles 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Volume II: Articles 10, 12, 13 (1) (a), 14 and 16
	Volume III: Articles 23 to 39 and 107
	Volume V: Articles 73 to 85, 87 and 88
Department of Peacekeeping Operations	Volume III: Articles 40 to 54 and 106
Department for Disarmament Affairs	Volume II: Article 11
Department for General Assembly and Conference Management	Volume II: Articles 9, 15, 20 and 21
	Volume IV: Articles 60, 61, 62 (3) and (4), 65 to 69 and 72
	Volume V: Articles 86, 89, 90 and 91
Department of Management	Volume II: Article 17
	Volume VI: Articles 100 (1) and 101
Department of Management with Office of Legal Affairs	Volume VI: Article 100 (2)
Department of Economic and Social Affairs	Volume II: Article 8[a]
	Volume II: Article 13 (1) (b) and (2)
	Volume IV: Articles 55 (a) and (b), 57 to 59, 62 (1), 63, 64, 70 and 71
Office of the United Nations High Commissioner for Human Rights	Volume II: Article 13 (1) (b)
	Volume IV: Articles 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Volume II: Article 13 (1) (a)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various points in time since 1990 and is subject to review by the Committee.

[a] The Department of Management (Office of Human Resources Management) is responsible for the preparation of Article 8 for the period up to and including 1996. For the period from 1997 onward, that responsibility falls to the Department of Economic and Social Affairs.

Annex II

Secretariat units responsible for the coordination of the preparation of *Repertory* volumes*

Repertory volume		Department
I	(Articles 1 to 8)	Office of Legal Affairs
II	(Articles 9 to 22)	Office of Legal Affairs
III	(Articles 23 to 54, 106 and 107)	Department of Political Affairs
IV	(Articles 55 to 72)	Department of Economic and Social Affairs
V	(Articles 73 to 91)	Department of Political Affairs
VI	(Articles 92 to 105 and 108 to 111)	Office of Legal Affairs
Index		Department of Public Information (Dag Hammarskjöld Library)

* This distribution is the result of several decisions of the Interdepartmental Committee on Charter Repertory taken at various points in time since 1946 and is subject to review by the Committee.

Annex III

Status of the *Repertoire of the Practice of the Security Council*

Volumes published and on Internet	Chapters on Internet (www.un.org/Depts/dpa/repertoire)	Chapters prepared and awaiting posting	Chapters in preparation

Supplement	Procedural chapters							Chap. 8	Constitutional chapters				Languages (published)
	1	2	3	4	5	6	7		9	10	11	12	
Original volume 1946-1951													English, French
Supplement I 1952-1955													English, French
Supplement II 1956-1958													English, French
Supplement III 1959-1963													English, French
Supplement IV 1964-1965													English, French
Supplement V 1966-1968													English, French
Supplement VI 1969-1971													English, French
Supplement VII 1972-1974													English, French
Supplement VIII 1975-1980													English, French
Supplement IX 1981-1984													English, French
Supplement X 1985-1988													Arabic, Chinese, English, French, Russian, Spanish[a]
Supplement XI 1989-1992													
Supplement XII 1993-1995													
Supplement XIII 1996-1999													
Supplement XIV 2000-2003													
Supplement XV 2004-2005													

[a] As mandated by the General Assembly in resolution 55/222, this Supplement and future Supplements of the *Repertoire* are to be published in all official languages of the United Nations.